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# International Convention on the Elimination of All Forms of Racial Discrimination

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**Committee on the Elimination of Racial Discrimination**
**Ninety-sixth session**

**Summary record of the 2659th meeting**
Held at the Palais Wilson, Geneva, on Wednesday, 15 August 2018, at 10 a.m.

*Chair*: Mr. Amir
*later*: Mr. Murillo Martínez (Vice-Chair)
*later*: Mr. Amir

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*Combined twentieth to twenty-third periodic reports of Mauritius* (*continued*)

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Combined twentieth to twenty-third periodic reports of Mauritius* (*continued*) (CERD/C/MUS/20-23; CERD/C/MUS/Q/20-23)

1. *At the invitation of the Chair, the delegation of Mauritius took places at the Committee table.*

2. **The Chair** said that he wished to recall that the Committee had a mandate to examine and evaluate the effectiveness of the measures in place to implement the Convention in each and every State party. Racial discrimination existed throughout the world, and the Convention applied to circumstances, situations and issues that were not always immediately apparent. By giving every State party the opportunity to submit a written report and an oral presentation that included facts and figures pertaining to the various groups, languages, traditions and practices that existed within it, the Committee sought to obtain accurate information so that it could draw appropriate conclusions and issue pertinent guidance.

3. In asking for figures and statistics disaggregated by race or ethnicity, the Committee did not seek to call into question the unity of the people of Mauritius, but rather to see evidence that the high standards of equality and non-discrimination enshrined in the Convention were being respected. Clearly, those who suffered racial discrimination did not always report it. For that reason, it was important to consider other indicators.

4. He was honoured to chair the Committee, which was composed of members elected for their expertise, integrity and impartiality, and wished to commend the professional work of the country rapporteur in the current case, Ms. Mohamed. The Committee did everything within its power to reduce all forms of racial discrimination, an endeavour for which it was internationally recognized. He, as Chair, would always act with the authority vested in him by members and strive to direct the Committee on the basis of unanimity.

5. **Mr. Murillo Martínez** said that there had been some surprise among Committee members at remarks made during the dialogue the previous day. The Committee's questions had been posed in a spirit of understanding the situation in the State party in order to assess it, challenge it, and make observations. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, it had been unanimously agreed that racism was a universal phenomenon. In particular, people of African descent had historically been victims of colonialism and racial discrimination, and the fact that they continued to suffer the consequences of that was a global reality.

6. The Committee's general recommendation XXI stated that disaggregated statistics were one of the best indicators for assessing racism and racial discrimination within a country. Using that method, several other States parties to the Convention had been able to identify that, for example, youths of African descent were much more likely to live in poverty, be imprisoned, or be victims of violent crime. Rather than making insinuations about racial discrimination within the State party, the Committee was therefore inviting the delegation to provide information and statistics that would allow it to better understand the situations of different groups.

7. He wished to congratulate the State party on the steps it had taken with the International Court of Justice in relation to the Chagossian people. He himself had had the opportunity to visit Mauritius to learn more about persons of African descent in the country. As had been said before, the Committee was not a tribunal, but rather a forum for identifying and discussing the circumstances that could lead to racism so that recommendations could be issued accordingly.

8. *Mr. Murillo Martínez (Vice-Chair) took the Chair.*

9. **Mr. Gobin** (Mauritius) said that the integrity and experience of the members of the Committee was beyond doubt. The issue that shocked and perplexed him was the

Committee's need for empirical data and State body accountability for statistics. He knew from personal experience that the social fabric in his small country was very fragile, and he feared that attempts to draw distinctions between communities and ethnicities would be divisive. Social cohesion had been hard-won in Mauritius and was highly prized. However, he very much hoped that the Committee would be able to help his delegation find a solution to the issue, as the Committee and the Government of Mauritius both shared the same aims.

10. The delegation had provided some statistical data to the Committee in response to questions raised the previous day, and he would be pleased to answer any questions on the information submitted. His presence at the current meeting and at the dialogue held with the Committee against Torture in 2017 attested to his Government's commitment to cooperating with the treaty bodies.

11. Regarding collaboration with non-governmental organizations (NGOs), he wished to reassure the Committee that the Government had held consultations with the Mauritius Council of Social Services prior to the drafting of its report. Following a meeting with officials from the Regional Office for Southern Africa of the United Nations High Commissioner for Human Rights in Pretoria in December 2017, the State had established the National Mechanism for Reporting and Follow-up (NMRF). All relevant State bodies, non-State actors and civil society were a part of the NMRF and, since its creation at the beginning of 2018, meetings had been held almost every month to exchange information on a number of different subjects.

12. He was unable to provide statistics on the number of Chagossians in Mauritius and the number of their diaspora because such information was being considered currently by the International Court of Justice (ICJ) in preparation for the upcoming advisory opinion that the ICJ would render on the excision by the United Kingdom of the Chagos Archipelago from Mauritius. Once the opinion had been rendered, Mauritius would be at liberty to provide the relevant statistics. He confirmed that official and regular consultations had been held between the State and Chagossians on the request submitted to the ICJ via discussions with the spokesperson of the Chagos Refugees Group, Mr. Olivier Bancoult. Mr. Bancoult had been born in Chagos and uprooted from his birthplace at the age of 4 following the separation of the island from Mauritius. He had also been a member of the official Mauritian delegation, which had been sent to New York for the General Assembly of the United Nations in both 2016 and 2017, and which had successfully demanded the adoption of a resolution seeking the above-mentioned ICJ advisory opinion.

13. The question of dispossession of land was a key issue in the report of the Truth and Justice Commission. Given that many of those incidents had occurred more than 50 years ago, a number of legal issues arose when persons decided to bring such cases before the courts, such as the statute of limitations for the offences. The Law Reform Commission had been requested to examine the situation of litigants seeking redress for dispossession of their alleged property and the report was forthcoming. If the Law Reform Commission recommended the establishment of a special tribunal to deal with such cases, then the Government would act accordingly. He confirmed that a budget had been allocated and a location identified for the Intercontinental Slavery Museum and that the Government was working with international experts to make the museum a reality.

14. He reassured the Committee that all national human rights institutions operated independently of political influence. Although members of such institutions might be appointed by political bodies, the real measure of their independence lay in the integrity with which they carried out their work. The national reports that such institutions produced were made available to the public in an effort to promote transparency.

15. English was the official language of Mauritius although French was widely spoken and used in writing. State and non-State actors also undertook activities to promote the use of other languages, including Creole, Arabic and Marathi. State television dedicated a specific channel for programmes broadcast in minority languages. Regarding the specific request to use Creole in the National Assembly, a number of practical questions were at stake, such as the translation of all official documents and legislative acts into Creole. The feasibility of the request was presently under consideration by the Government and

examples of best practice from other linguistically diverse countries, such as South Africa and India, were also being studied.

16. The mandatory minimum wage in Mauritius applied to migrant workers. In order to improve the awareness among migrant workers of their rights, an interministerial committee had decided to create a pamphlet entitled "Know your rights", which would be released in November 2018 and published in a number of languages. The pamphlets would be available free of charge at several points of distribution, including at immigration counters in airports. A coordination mechanism had been established between the immigration department under the Commissioner of Police and the labour inspectorate under the Ministry of Labour, Industrial Relations, Employment and Training in order to facilitate the exchange of information. Arrests and prosecutions of employers who did not heed the law in their treatment of migrant workers fell under the remit of the Director of Public Prosecutions. The Government was working closely with the Embassy of the United States of America and the British High Commission to combat trafficking in persons.

17. He assured the Committee that the island of Rodrigues had consistently received special attention from the Government in order to promote its development. The Rodrigues Regional Assembly, a body comprising elected members, was responsible for that development and managed its own budget. A budget of 3.75 billion rupees for a population of 40,000 people had recently been allocated to the Rodrigues Regional Assembly. The funds would go towards investing in infrastructure. The Government was also funding the extension of the airport runway in Rodrigues, which would ensure the transportation of more goods to the island. A new Citizen's Advice Bureau had been established in Rodrigues, where individuals were able to interact with State institutions, and a forthcoming cable connection project would vastly improve Internet connectivity across the island, all of which demonstrated that Rodrigues was keeping pace with the overall development of Mauritius.

18. Concerning the treatment of the Rastafari community, he stressed that there was no discrimination against them or any other ethnic group or association. The perception that Rastafari were specifically targeted by the police had arisen because, although cannabis smoking was part of Rastafari culture and religion, its cultivation, possession and use were illegal in Mauritius. In his view, the law should be applied equally to all and should not be used to prosecute some individuals but not others; any solution to the problem must respect the rule of law and non-discrimination. Nevertheless, recognizing that Rastafari and other groups wished to see the drug laws relaxed and the use of cannabis decriminalized, he pointed out that the Commission of Inquiry on Drug Trafficking had recently issued a report containing recommendations in that regard.

19. *Mr. Amir resumed the Chair.*

20. **Ms. Shepherd** said that she commended the State party for its efforts to try to forge a united country despite the multiple problems left by former colonial powers. In particular, she congratulated the State party on the findings of the Truth and Justice Commission and looked forward to the implementation of its recommendations, especially those on reparatory justice and land claims. Noting that certain claims dated back more than 100 years, she asked whether any dated back to the time of the indenture system and whether Indian former indentured labourers had received land incentives, as they had in the Caribbean. In her view, the establishment of the Commission pointed to the existence of vulnerable groups and others still affected by the negative legacy of colonialism. Therefore, she welcomed the plans to build an Intercontinental Slavery Museum, which would help showcase the contribution of Africans to Mauritian society. From her own experience, she had observed that problems such as colourism — perhaps a remnant of old caste systems — lingered in other countries with populations descended from Indian indentured labourers, and she urged the State party to commit to eliminating them.

21. She appreciated the delegation's response concerning the measures taken against Rastafari and noted that the Government might engage in future consultations on the legalization of cannabis. She suggested that the State party might follow the example of other countries, which allowed Rastafari to smoke small quantities of cannabis for religious reasons, without police interference. She was interested to know whether the reggae singer

Kaya, who had died in police custody in 1999, had been arrested for cannabis possession. She commended the State party for its efforts to recognize all languages and recalled from her own visit to Mauritius the ease with which speakers switched between English, French and Creole, the latter enjoying a relatively respected status. In conclusion, she wished to remind the State party that no country was free from racial discrimination, a point that was underscored by the statistics that the delegation had provided on complaints to the Equal Opportunities Commission.

22. **Mr. Avtonomov** said that the sincerity the delegation had shown during the dialogue provided the ideal basis for the Committee to assist the State party in its struggle against discrimination, poverty and other scourges. The fact that Mauritius had already ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) was important for the Committee, considering that domestic workers often came from other countries and were among the groups most vulnerable to discrimination. He asked whether the State party planned to ratify the amendment to article 8 of the Convention, which would help regularize the funding and work of the Committee.

23. Given that the answers to the Committee's previous concerns and recommendations were somewhat dispersed throughout the report, he suggested that the State party's future reports might include a section devoted exclusively to such answers, which would allow the Committee to comprehensively understand the State party's position and to issue practical recommendations. Nevertheless, the Committee was satisfied by the progress that Mauritius had achieved.

24. **Mr. Calí Tzay** said that he wished to draw attention to a recent report in which it was claimed that Mauritius was an area of risk for migrant workers, with evidence of labour violations, including debt bondage linked to their recruitment. Was that claim true and, if so, what was the State party doing to combat what the report termed "modern slavery"? Recognizing that the caste system was not the same as that which existed in India, he nevertheless wished to know what was being done to abolish it and to combat hate speech and discrimination based on caste. He was also interested to know whether harsher penalties were applied in the event that discrimination was perpetrated by government officials.

25. Considering that economic resources were needed to combat social ills and that the problem of corrupt officials still persisted in Mauritius, he wondered what steps were being taken to fight corruption so that resources were made available to fight discrimination and poverty. Lastly, he wondered why the former Minister of Housing and Lands, Mr. Showkutally Soodhun, who had been removed from his ministerial post for making comments in which he had claimed to have discriminated against Creoles because they were responsible for prostitution, was allowed to remain in his electoral seat.

26. **Ms. Mohamed** (Country Rapporteur), observing that there were 23,673 migrant workers in Mauritius, mostly from Bangladesh, said that it was clear that they continued to suffer discrimination based on caste and race. While she welcomed the information provided about the minimum wage, she was interested to know more about the availability of social protection and health care for migrant workers. She requested statistics on the number of complaints received by the grievance mechanism that had been established. Could migrant workers aspire to naturalization after residing in Mauritius for a lengthy period? The Committee would also welcome details about their conditions of work and access to justice, and about monitoring mechanisms to prevent sexual and other forms of exploitation.

27. Considering that the former Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat Maalla M'jid, had issued a report following her visit to Mauritius, she asked what measures had been taken to prevent the sale of children, child prostitution and child pornography and to protect children at risk. In the light of the limited involvement of civil society organizations in the constructive dialogue and the fact that the State party had not described their contribution to the preparation of the report, she was curious to know whether Mauritius had a law that conferred legal status on such organizations. The delegation might also give details of how the Government ensured and demonstrated that all ethnic groups and women were represented in political life,

including in the Government and the parliament, in the judiciary and in the army. Did judges enjoy full independence in their decision-making? The Committee would also appreciate information on investigations conducted, prosecutions brought and sentences handed down under the Combating of Trafficking in Persons Act of 2009.

*The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.*

28. **Mr. Gobin** (Mauritius) said that the Follow-up Coordinator was correct to point out that Mauritius had not submitted follow-up information within one year of its previous review, in 2013. The Government took full responsibility for the oversight, which was principally due to the general elections that had been held in December 2014 and the transition period that had followed. To address the problem, reporting and follow-up functions had been transferred from the Prime Minister's Office to a new ministry and the National Mechanism for Reporting and Follow-up had been created.

29. Regarding the issue of migrant workers, the Government was increasingly concerned about the debt bondage affecting workers from Bangladesh, in particular. It was reported that a large part of that debt bondage was a result of agreements that had been made between workers and recruitment agents in Bangladesh prior to the migrant workers' arrival in Mauritius. Those workers often left their families in their country of origin and feared reprisals if they broke their agreement with the recruitment agency. It was therefore difficult for the Government to control the problem. However, debt bondage could be avoided if migrant workers did not use recruitment agencies. His Government was working with the Government of Bangladesh to find a sustainable solution to the problem.

30. The Independent Commission against Corruption had been established in 2003 and continued to work to eliminate corruption in the country. The Commission, which was fully independent and followed the "Hong Kong Model", published an annual report on its website. Any criminal cases were sent to the Office of the Director of Public Prosecutions to be heard before the courts. The case of the former Vice-Prime Minister was still being investigated by the police and would be transferred to the Office of the Director of Public Prosecutions in due course.

31. Regarding the living conditions of the large number of migrant workers from Bangladesh, it was mandatory for employers to have a licence for workers to sleep on their premises. The Ministry of Labour, Industrial Relations, Employment and Training had introduced unannounced inspections of such premises to ensure that hygiene conditions and the other conditions of the licence were being respected. If that was not the case, the employer could be prosecuted in the Industrial Court, which had special jurisdiction over labour rights. The Ministry would initiate court proceedings for any worker who could not afford to do so.

32. Legislation was in place that governed the registration of civil society organizations with the Registry of Associations. Some organizations were registered and some more informal associations were not. The Government was open to engaging with both registered and unregistered organizations for the purposes of the treaty body reporting and follow-up procedures.

33. The Government had successfully implemented a quota system for the participation of women at local government level; a minimum of one third of representatives must be women. No quotas existed at other levels of government but women held senior positions in the Cabinet Office. Although the Government encouraged women to stand for elected office, there were few female officials in the National Assembly. With regard to the judiciary, 50 per cent of Supreme Court judges were women, as were the majority of magistrates in the lower courts.

34. **Ms. Dah** said that she would appreciate further information on the participation of ethnic minority women.

35. **Mr. Gobin** (Mauritius) said that he was aware of ethnic minority women who held positions in his Government.

36. Following the publication of the report of the former Special Rapporteur on the sale of children, child prostitution and child pornography, his Government had ratified the

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Adequate legislation was in place to combat child prostitution, including the Child Protection Act and the Combating of Trafficking in Persons Act. Statistics on that issue would be provided in writing. His Government had been working in collaboration with the Embassy of the United States of America and the British High Commission to combat child prostitution. As a result, two experts had travelled to Mauritius to carry out training courses for the police, the Attorney General's Office and the Office of the Director of Public Prosecutions. A report published by the United States Department of State had stated that very little progress had been made in the country with regard to eradicating child prostitution. However, the statistics contained in the report only included prosecutions made under specific child prostitution legislation and not those made under the more general Criminal Code. The Office of the Director of Public Prosecutions would prosecute individuals suspected of involvement in child prostitution under the Criminal Code if the use of that legislation was more likely to lead to a conviction.

37. Providing compensation to individuals who had been dispossessed was challenging, as records from the colonial period were handwritten and were often illegible. Furthermore, stones that were previously used to mark out parcels of land had been moved. The Government was working to find a solution to the problem and the Law Reform Commission was investigating that issue. Land had not been given to previously indentured workers in lieu of repatriation.

38. The Government was committed to rectifying the issue of a lingering caste system in the country, which was a vestige of colonial times. All types of discrimination were punishable by law. He agreed with Mr. Avtonomov that in future reports his Government would include separate chapters on specific issues.

39. **Ms. Mohamed** said that she had learned a great deal from the constructive and sincere dialogue with the delegation. She hoped that it would help the Government work towards eliminating all forms of discrimination.

40. **Mr. Gobin** (Mauritius) said that he appreciated the opportunity to engage in an interactive dialogue with the Committee. His Government was committed to strengthening its human rights system, to the best of its ability and within its resources, in order to live up to its obligations under the Convention. The dynamic and robustly independent judiciary in his country played an important role in ensuring the protection of human rights and fundamental freedoms. He acknowledged that the implementation of human rights norms required the furtherance of democracy and rule of law. Special attention must be paid to the needs of vulnerable members of society. His Government was fully committed to the protection and promotion of human rights at all levels and would continue to work in close collaboration with the Committee to that end.

*The meeting rose at 1 p.m.*